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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/737,754  
Filing Date: December 18, 2000  
Appellant(s): SCHEIN ET AL.

Eric L. Sophir (Reg. No. 48,499)  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 20 April 2010 appealing from the Office action mailed 20 November 2009.

**(1) Real Party in Interest**

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

**(2) Related Appeals and Interferences**

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

The Board previously issued a Decision on Appeal on 25 September 2008. See Appeal 2007-3392.

**(3) Status of Claims**

The following is a list of claims that are rejected and pending in the application:

Claims 21 and 23 – 52 are pending in this application.

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

**(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

**8) Evidence Relied Upon**

Examples Of Using MQSeries On S/390. System/6000, AS/400 and PS/2, June 1994, IBM Corporation

5,995,921	RICHARDS et al.	11-1999
5,544,347	YANAI et al.	08-1996

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

**Claims 21, 23 – 31, 33 – 38 and 40 – 48 are not patentable under 35 U.S.C. 103(a) over “Examples of Using MQSeries on S/390, RISC System/6000, AS/400 and PS/2” hereinafter known as MQSeries.**

**Regarding claim 21**, MQSeries teaches a global communications network for use by a financial institution [MQSeries, page 33 – 51], comprising:

a plurality of distribution points for allowing an end user to send an electronic message or request [MQSeries, page 31];

an integration facility for controlling and routing the electronic message or request, wherein the integration facility comprises at least one first logical router for determining whether the electronic message or request is simple or complex and routing the electronic message or request based on that determination (MQSeries, page 34, MVB4 receives message, determines whether to route it to MVB5 for further processing, or route the message directly) [MQSeries, page 31, 34];

even though MQSeries does not explicitly recite the complex electronic message or request to comprise a transfer message or a package message. However, as

currently claimed, complex electronic message or request comprising a transfer message or a package message is Non Functional.

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify MQSeries and allow message content to be a complex electronic message or request to comprising a transfer message or a package message to be able to customize the solution for specific solution, apply a known technique to a known device (method, or product) ready for improvement to yield predictable results, known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

MQSeries teaches capability wherein:

complex electronic message or request comprises

a transfer message or request, or,

a package message or request; and

at least one service provider for processing the electronic message or request", (obviously included in MQSeries) because MQSeries teaches transmission Queues [MQSeries, page 12] which are used as an intermediate step when sending messages to remote queues, and, **it is a business choice to elect whether they want to implement their network as an intranet or an internet.** In addition, MQSeries teaches capability for plurality of service provider like Checking Account Query, Distribution Pcess, Credit Application Manager, etc. which receives message and provide service [MQSeries, page 34]

**Regarding claim 23**, MQSeries teaches concept wherein at least one first logical router directs the simple electronic message or request directly to the at least one service provider [MQSeries, page 21, 22, 25].

**Regarding claim 24**, MQSeries teaches concept wherein at least one first logical router directs the complex electronic message or request to at least one messaging services agent.

**Regarding claim 25**, MQSeries teaches concept wherein at least one messaging services agent processes the complex electronic message or request based on at least one of processing scripts, workflow rules, data model rules, and business rules, and wherein the at least one messaging services agent directs the processed complex electronic message or request to at least one second logical router [MQSeries, page 25].

**Regarding claim 26**, MQSeries teaches concept wherein at least one second logical router (Transmit Queue) [MQSeries, page 5] directs each processed electronic message or request based on routing criteria developed from at least one of data partitioning to at least one service provider (remote computers) [MQSeries, page 31].

**Regarding claim 27**, MQSeries teaches concept wherein at least one second logical router directs the processed complex electronic message or request to at least one service provider (by using transmit queue, message can be transferred from MVS/ESA to AS/400 via RS/6000) [MQSeries, page 25, 31].

**Regarding claim 28**, MQSeries teaches concept wherein second logical router directs the processed complex electronic message or request based on routing criteria developed from at least one of data partitioning (reply received into MVB2 put in intermediate queue for MVB1) [MQSeries, page 31].

**Regarding claim 29**, MQSeries teaches concept wherein at least one messaging services agent (MVB2) decomposes the complex electronic message or request based on at least one processing scripts, business rules into a plurality of simple electronic messages and wherein the at least one messaging services agent (MVB4) directs the plurality of simple electronic messages or requests to at least one second logical router (queues between MVB4 and MVB5) [MQSeries, page 34].

**Regarding claim 30**, MQSeries teaches concept of a system journal for maintaining a log of the electronic message or request (messages remain physically on the disk file, until they are explicitly purged) [MQSeries, page 74].



**Regarding claim 31**, MQSeries teaches concept for at least two data centers, wherein each data center of the at least two data centers comprises at least one data storage device for storing data necessary to process the electronic message or request [MQSeries, page 31].

**Regarding claim 33**, MQSeries teaches concept wherein at least one distribution point of the plurality of distribution points is chosen from a group consisting of branch systems, remote delivery systems, customer service systems, point of sale systems, and office systems (shows branch to branch communication) [MQSeries, page 31].

**Regarding claim 34**, MQSeries teaches first distribution point of the plurality of distribution points [MQSeries, page 8, 31]. MQSeries teaches concept for:

a branch router (unit of work 2 in Figure 3 on page 2, FEP in Figure 10 on page 30) in communication with the integration facility and a public network;

at least one general service [MQSeries, page 30]; and

a local area network in communication with the at least one general service [MQSeries, page 30] and the public network (TCP/IP protocol used in a public network like the internet) [MQSeries, page 31].

**Regarding claim 35**, MQSeries teaches concept wherein at least one general service can comprise investment consultant work stations (credit application manager) [MQSeries, page 34].

**Regarding claim 36**, MQSeries teaches a second distribution point of the plurality of distribution points [MQSeries, page 46]. MQSeries teaches concept for:  
a remote delivery router in communication with the integration facility (MVS Host)  
and the public network (TCP/IP protocol which is used in public network like internet)  
[MQSeries, page 31]; and

at least one remote device (RS/6000), wherein the at least one remote device is in communication with the public network (TCP/IP protocol which is used in public network like internet) [MQSeries, page 31].

**Regarding claim 37**, MQSeries teaches third distribution point of the plurality of distribution points (PS/2). MQSeries teaches concept wherein:

a point-of-service server (AS/400) in communication with the integration facility  
and a point-of-service network (communication between RS/6000 and AS/400)  
[MQSeries, page 31]; and

a terminal device (PS/2), wherein the terminal device is in communication with the point-of-service network (communication between RS/6000 and PS/2) [MQSeries, page 31].

**Regarding claim 38**, MQSeries teaches concept wherein point-of-service network is the public network (TCP/IP protocol which is used in public network like internet) [MQSeries, page 31].

**Regarding claim 40**, MQSeries teaches first distribution point of the plurality of distribution points [MQSeries, page 31, 34]. MQSeries teaches concept wherein:

a point-of-service server in communication with the integration facility and a point-of-service network; and

a terminal device, wherein the terminal device is in communication with the point-of-service network, and wherein the terminal device comprises at least one of a magnetic strip reader or a key pad.

**Regarding claim 41**, MQSeries teaches concept wherein point-of service network is at least one of a public network (TCP/IP, protocol used in public network like internet) or a private network (SNA) [MQSeries, page 31].

**Regarding claim 42**, MQSeries teaches processing and routing an electronic message or request across a global communications network. MQSeries teaches:

receiving an electronic message or request from a distribution point (inquiry from MVB1) [MQSeries, page 34]

determining whether the electronic message or request is simple (MVB1) or complex (MVB4) [MQSeries, page 34];

based upon the determination, routing a simple electronic message or request to at least one service provider (MVB1), or processing a complex message or request and routing the processed complex message or request to at least one service provider (MQSeries, page 34, MVB4 receives message, determines whether to route it to MVB5 for further processing, or route the message directly) [MQSeries, page 34].

even though MQSeries does not explicitly recite the complex electronic message or request to comprise a transfer message or a package message. However, as currently claimed, complex electronic message or request comprising a transfer message or a package message is Non Functional.

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify MQSeries and allow message content to be a complex electronic message or request to comprising a transfer message or a package message to be able to customize the solution for specific solution, apply a known technique to a known device (method, or product) ready for improvement to yield predictable results, known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

MQSeries teaches capability wherein:

complex electronic message or request comprises

a transfer message or request, or,

a package message or request;

**Regarding claim 43**, MQSeries teaches concept wherein at least one service provider (remote computers) communicates with a data center (MVS host), and wherein the data center comprises at least one data storage device (inherently included in the host system) for storing data necessary to complete the simple electronic message (MBB1) or request and the complex message or request (MVB4) [MQSeries, page 34].

**Regarding claim 44**, MQSeries teaches concept wherein processing the complex message or request and routing the processed complex message or request (MVB4).

decomposing the complex message or request based on at least one of processing scripts (MVB4), into a plurality of simple messages or requests (B5, B6, B7) [MQSeries, page 34]; and

routing the plurality of simple messages or requests to the at least one service provider (MVB5, message to remote queue using transmit queue) where the plurality of simple messages are processed [MQSeries, page 34].

**Regarding claim 45**, MQSeries teaches capability for processing the complex message or request and routing the processed complex message or request, recomposing responses from the at least one service provider (MVB2) [MQSeries, page 34]; and

routing the recomposed responses to the distribution point (MVB1) [MQSeries, page 34].

**Regarding claim 46**, MQSeries teaches capability for routing the plurality of simple messages or requests [MQSeries, page 34], routing the each simple message or request of the plurality of simple messages or requests based on routing criteria developed from at least one of data partitioning (MVB2) [MQSeries, page 34].

**Regarding claim 47**, MQSeries teaches capability for routing the processed complex message or request to at least one service provider [MQSeries, page 30, 34], routing the complex message or request based on routing criteria developed from at least one of data partitioning (MVB4).

**Regarding claim 48**, MQSeries teaches concept for maintaining a log of the electronic messages or requests [MQSeries, page 74].

**Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Examples of Using MQSeries on S/390, RISC System/6000, AS/400 and PS/2" hereinafter known as MQSeries in view of Richards et al. US Patent 5,995,921 hereinafter known as Richards.**

**Regarding claim 32**, MQSeries teaches concept for:

a common interface by which the end user can send the electronic message or request.

MQSeries does not disclose audio and visual devices for interaction with the end user, and, translation software for translating all functions communicated to the end user audibly and visually into the end user's preferred language. However, Richards teaches audio (196) and visual (170) interfaces [Fig. 1], and, translation software for translating all functions communicated to the end user audibly and visually into the end user's preferred language (the interface may be adapted to receive queries in another target natural language such as Spanish, Italian, etc., by merely modifying lists 214, 215, 216 and the character string fields in list 218.) [col. 14, lines 15 – 49].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify MQSeries by adopting teachings of Richards to provide an interface in which the user may use the system using words, phrases and terminology of the user's natural language, apply a known technique to a known device (method, or product) ready for improvement to yield predictable results, known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art

**Claim 39 and 49 – 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Examples of Using MQSeries on S/390, RISC System/6000,**

**AS/400 and PS/2” hereinafter known as MQSeries in view of Yanai et al. US Patent 5,544,347 hereinafter known as Richards.**

**Regarding claim 39**, MQSeries teaches first distribution point of the plurality of distribution points [MQSeries, page 31]. Applicant teaches “[0054] In accordance with another important aspect of the present invention, the integration facility preferably supports identical data bases located in different cites in real time.” (data mirroring). MQSeries teaches concept for:

a remote delivery router in communication with remote systems and a public network (Transmission Queue) [MQSeries, page 5];

at least one remote device (PS/2) [MQSeries, page 31], wherein the at least one remote device is in communication with the public network (TCP/IP protocol which is used in public network like internet), and wherein the remote device is computer modem (modem in PS/2 for TCP/IP connectivity to the public network).

MQSeries does not explicitly recite integration facility. However, Yanai teaches data mirroring [Fig. 1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify MQSeries as taught by Yanai for instantaneous data recovery after a disaster by retrieving data from a remote device, apply a known technique to a known device (method, or product) ready for improvement to yield predictable results, known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other



market forces if the variations would have been predictable to one of ordinary skill in the art.

**Regarding claim 49**, MQSeries teaches a communications network.

an integration facility for processing electronic messages or requests, wherein the integration facility comprises at least one first logical router for determining whether the electronic message or request is simple or complex (MVB1, MVB4) and routing the electronic message or request based upon that determination (MQSeries, page 34, MVB4 receives message, determines whether to route it to MVB5 for further processing, or route the message directly) [MQSeries, page 34];

even though MQSeries does not explicitly recite the complex electronic message or request to comprise a transfer message or a package message. However, as currently claimed, complex electronic message or request comprising a transfer message or a package message is Non Functional.

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify MQSeries and allow message content to be a complex electronic message or request to comprising a transfer message or a package message to be able to customize the solution for specific solution, apply a known technique to a known device (method, or product) ready for improvement to yield predictable results, known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

MQSeries teaches capability wherein:  
complex electronic message or request comprises  
a transfer message or request, or,  
a package message or request;  
at least one distribution point (MVB2) [MQSeries, page 34]  
at least one financial transaction related service (Fig. 12) [MQSeries, page 34]  
at least one service provider (plurality of hosts in the network) [MQSeries, page 31].

Applicant teaches "[0054] In accordance with another important aspect of the present invention, the integration facility preferably supports identical data bases located in different sites in real time." (data mirroring). MQSeries does not disclose integration facility. However, Yanai teaches data mirroring [Fig. 1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify MQSeries as taught by Yanai for instantaneous data recovery after a disaster by retrieving data from a remote device, apply a known technique to a known device (method, or product) ready for improvement to yield predictable results, known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art

**Regarding claim 50**, MQSeries in view of Yanai teaches concept of office systems (plurality of computers) [MQSeries, page 31].

**Regarding claim 51**, MQSeries in view of Yanai teaches concept wherein financial transaction related service can be financial control services [MQSeries, page 34].

**Regarding claim 52**, MQSeries teaches concept wherein service provider is selected from a group consisting of gateways (obviously used in connecting 2 remote computers over the internet), product processors (host computers) and authorization engines [MQSeries, page 37].

#### **(10) Response to Argument**

Board has issued a Decision on Appeal on 25 September 2008. See Appeal 2007-3392. Appellant has amended the claims by adding the following limitations to the claimed invention for which Board had issued the Decision.

determining whether the electronic message or request is simple or complex and  
routing the electronic message or request based upon that determination;

wherein the complex electronic message or request comprises:

a transfer message or request, or

a package message or request;

These added limitations to the claimed invention have been responded to in the office action mailed 20 November 2009.

In response to applicant's argument that cited references does not route messages based on the type of message.

However cited reference MQSeries clearly teaches capability and concept for how a message received can be handled. MVB2 which receives inquiry from MVB1, based on determination responds immediately (B2.Response), or, sends it for batch process (B1.model), or sends it as query to MVB3 or MVB4 (See pages 34, 40).

In response to applicant's argument that cited references do not disclose Transfer or Package Message.

However, appellant is arguing a content on an electronic message. Cited reference MQSeries teaches capability and concept for transfer of electronic messages.

In response to applicant's argument that cited references does teach capability and concept for a logical router for determining whether the electronic message or request is simple or complex and routing the electronic message or request based upon that determination.

However cited reference MQSeries clearly teaches capability and concept for how a message received can be handled. MVB2 which receives inquiry from MVB1,

based on determination responds immediately (B2.Response), or, sends it for batch process (B1.model), or sends it as query to MVB3 or MVB4 (See pages 34, 40)

**(11) Related Proceeding(s) Appendix**

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided by the appellant with the Appeal Brief filed 20 April 2010.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Naresh Vig/  
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